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Letter dated 6 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 3 May 2002 (S/2002/524).

The Counter-Terrorism Committee has received the attached supplementary report from Japan, submitted pursuant to paragraph 6 of resolution 1373 (2001).

I would be grateful if you could arrange for the present letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 31 May 2002 from the Permanent Mission of Japan to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Representative of Japan to the United Nations presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, and, pursuant to operative paragraph 6 of that resolution and in response to the latter's letter dated 1 May 2002, has the honour to transmit herewith the second report of the Government of Japan on the steps it has taken to implement the resolution (see enclosure).

Enclosure

JAPAN

ADDITIONAL REPORT TO THE COUNTER-TERRORISM COMMITTEE PURSUANT TO PARAGRAPH 6 OF SECURITY COUNCIL RESOLUTION 1373 (2001) OF SEPTEMBER 28, 2001

* The annexes are on file and are available for consultation.

ADDITIONAL REPORT TO THE COUNTER-TERRORISM COMMITTEE PURSUANT TO PARAGRAPH 6 OF SECURITY COUNCIL RESOLUTION 1373 (2001) OF SEPTEMBER 28, 2001

1. The Government of Japan is providing the following additional information in response to the comments/questions posed in the letter of Ambassador Jeremy Greenstock, Chairman of the Counter-Terrorism Committee, dated May 1, 2002 (S/AC.40/2002/MS/ OC.70).

● Sub-paragraph 1(a)

❑ *Are natural or legal persons other than banks (e.g. attorneys, notaries and other intermediaries) required to report suspicious transactions to the public authorities? If so, what penalties apply to persons who omit to report, either willfully or by negligence?*

2. Attorneys are not required to report suspicious transactions to the public authorities. In Japan, it is the right and duty of the attorney to maintain confidentiality of any facts in the performance of his/her duties as a lawyer. Therefore, imposing an obligation on an attorney to report suspicious financial transactions would cause serious problems, including an infringement of his/her right and duty to maintain confidentiality, and would damage the reliable, trusting relationship between the lawyer and the client.

3. As Japanese notaries do not deal with financial transactions, they are not specifically required to report suspicious transactions to the public authorities.

4. Financial institutions including banks, insurance companies, securities companies and other institutions subject to the Law for Customer Identification by Financial Institutions are required to report suspicious transactions to the competent authorities. When a competent authority deems that such reporting requirement has not been fulfilled, it may issue an administrative order to the financial institution concerned to fulfill the requirement, although no penalty will be imposed.

❑ *As a member of the G-20, Japan has pledged to stop abuse of informal banking networks. How has this been, or will this be, reflected in Japanese legislation?*

5. Under the Banking Law, banking services may be provided only by licensed banks. If a person engages in banking business without a license, it will result in a fine and/or imprisonment in accordance with the Law.

❑ *Has Japan enacted anti-money-laundering legislation?*

6. Yes, Japan has enacted the Law for Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters.

● Sub-paragraph 1(b)

❑ *Please provide a progress report on the amendments of the penal legislation being prepared for the purpose of Japan becoming a party to the International Convention for the Suppression of the Financing of Terrorism.*

7. On March 12 the Government submitted to the Diet, together with the Convention, draft legislation which is necessary for implementing the Convention and United Nations Security Council resolution 1373; the House of Representatives has already passed the

legislation and, as of May 30, the Government is waiting for the House of Councilors to consider it. The Government of Japan gained the approval of the Diet on May 17 with respect to the conclusion of the International Convention for the Suppression of the Financing of Terrorism, and intends to deposit the instrument of acceptance with the Secretary-General of the United Nations soon after the passage of that legislation at the current plenary Diet session. In case there is further progress on this matter, additional information will be provided in a timely manner.

8. The legislation aims at making it possible to punish financing of terrorism even at the stage where a principal offender has not yet initiated an overt criminal act concerning the provision or collection of funds, regardless of whether that principal's act was subsequently carried out or not.

● Sub-paragraph 1(c)

❑ *Please clarify how funds, financial assets or economic resources of terrorists and terrorist entities are frozen under existing legislation if their names do not appear on lists maintained by the Sanctions Committees of the United Nations Security Council.*

9. Japan's Foreign Exchange and Foreign Trade Law allows the Minister of Finance or the Minister of Economy, Trade and Industry to block assets of non-residents or to restrict payments from Japan to foreign countries or payments between residents and non-residents through a licensing system. Since September 11,2001, in accordance with UNSCR 1373, the Government of Japan has taken measures to freeze the assets of 22 individuals and entities who do not appear on lists maintained by the Sanctions Committees of the UN Security Council.

❑ *What legislation exists to freeze assets of those designated by the United Nations as terrorists or terrorist organisations?*

10. The Foreign Exchange and Foreign Trade Law and the Foreign Exchange Control Order.

❑ *The CTC looks forward to receiving a progress report on the planned improvement to the mechanisms for freezing funds, financial assets and economic resources of terrorists and terrorist organisations.*

11. On April 24, 2002, the Foreign Exchange and Foreign Trade Law was amended to facilitate information exchange among competent ministries and agencies for freezing actions. The amended Law came into force on May 7. The legal basis and procedures for sharing information related to terrorists are established by the amended Law.

12. With the revision of the Foreign Exchange and Foreign Trade Law, the coordination mechanism among relevant authorities was formalized as *'Liaison Committee for freezing assets of terrorists'* within the Government. (ANNEX 1)

- Sub-paragraph 1(d)
- *How does the financial tracking system ensure that funds received by associations are not diverted from their stated purposes to terrorist activities?*

13. Under the present system, financial institutions are required to report suspicious transactions which might relate to certain serious criminal offences. Accordingly, in accordance with UN Security Council resolution 1267 which noted that the Taliban benefited from illicit opium, transactions suspected of their connections with Taliban-related entities are reported to the Japan Financial Intelligence Office (JAFIO) of the Financial Services Agency (FSA). The JAFIO receives and analyzes these reports, and disseminates the intelligence to the law enforcement authorities.

14. By the amendment of legislation which is being deliberated in the current Diet session, an act of financing terrorists will be criminalized, and an obligation will be imposed on financial institutions to report transactions which are suspected to be related to terrorist activity. This will encourage financial institutions to consider whether a transaction might be related to the financing of terrorists, and when it is so deemed, the financial institution will be obliged to report such suspicious transaction to the JAFIO at the FSA. The JAFIO receives and analyzes these reports, and disseminates the intelligence to the law enforcement authorities.

15. Furthermore, under the Law for Customer Identification by Financial Institutions, which has been enacted in the current Diet session, financial institutions will be required to confirm and keep records of identification of customers on the basis of documents issued by public bodies. This will strengthen the above-mentioned reporting system on terrorist financing by facilitating the collection and maintenance of customers' identification information without drawing their attention to this effort. Non-compliance with the Law will result in penalties for financial institutions as well as for customers who make fraudulent representations on their identification documents.

- Sub-paragraph 2(a)
- *Please clarify whether under "The Act regarding the Control of Organization which Committed Indiscriminate Mass Murder" the recruitment of members of such organizations can only be prohibited once an organization has already committed an indiscriminate mass murder (Article 8 (2) (4)).*

16. An action under the provision of Paragraph 2 (4) of Article 8 of "The Act regarding the Control of Organizations which Committed Indiscriminate Mass Murder" shall not be taken in cases where an organization carried out indiscriminate mass murder only in the past.

17. When the Public Security Examination Commission takes an action under the provision of Paragraph 2 (4) of Article 8, it is necessary that the organization which carried out indiscriminate mass murder in the past be subject to one or more of the items in Paragraph 1 (1)-(8) of Article 8, or that the organization on which surveillance action (under Article 5) has been taken violated the obligation of reporting (Paragraph 2 or 3 of Article 5) or the obligation of accepting on-the-spot inspection (Paragraph 2 of Article 7).

18. The term "indiscriminate mass murder" includes the act of attempting to carry out indiscriminate mass murder. In cases where the organization attempted to carry out murder of many unspecified people and at the same time the above mentioned requirements were filled, the action provided under Paragraph 2 (4) of Article 8 may be taken.

❑ *How does Japanese legislation suppress the recruitment of terrorist groups which have not committed indiscriminate mass murder, i.e. murder of many unspecified people (Article 4 of the above mentioned Act), but which intend to commit other terrorist acts or have already attempted or committed such acts either inside or outside Japan?*

19. In cases where terrorist acts come within the purview of the definition of terrorist subversive activity under the provision of Article 4 of "The Subversive Activities Prevention Act," and where the Public Security Examination Commission shall have sufficient ground to find that an organization which carried out the above said terrorist acts by way of its activity will in the future also perform any such subversive activity, continuously or repeatedly, any of the following actions may be taken:

1) in the case such terrorist subversive activity has been performed in a mass demonstration or procession or public gathering, all demonstrations, processions or public gathering in any place will be prohibited for a fixed period not exceeding six months;
2) in the case such terrorist subversive activity involving the printing or distribution of a journal has been performed by means of any organ of the organization, the printing or distribution of copies of such journal shall be prohibited for a fixed period not exceeding six months;
3) any particular officer, official or member of the organization who shall have taken part in such terrorist subversive activity shall be prohibited from performing any act in the interest of the organization for a fixed period not exceeding six months.

20. In cases where any action under Paragraph 1 of Article 5 of "The Subversive Activities Prevention Act" does not effectively eliminate such danger as the above mentioned repetition of subversive activity in the future, action may be taken to declare any organization to be dissolved (Article 7). With the declaration of dissolution, any act performed in the interest of the organization (including the recruitment of members) by any person who has been an officer, official or member of the organization shall be prohibited (Article 8 of "The Subversive Activities Prevention Act").

21. As mentioned above, both "restriction of organizational activity" and "declaration of dissolution" under the provisions of "The Subversive Activities Prevention Act" require very strict conditions; therefore, to date neither of the actions has been taken.

❑ *Please explain how the sale, acquisition and possession of weapons in Japan are regulated?*

22. Firearms regulations in Japan have been set up to cope with various specific types and purposes of firearms. The core law of regulation is the Firearms and Swords Control Law that regulates possession and import of firearms (handguns, military rifles, machine guns, guns, hunting guns and any other firearms charged with gunpowder, and air guns). It is supplemented by the Ordnance Manufacturing Law that regulates firearms manufacture and trade. Also, provisions relating to firearms are stipulated in the Customs Law, the Customs Tariff Law and the Law Concerning Protection of Wildlife and Game, etc.

23. Ammunition used for firearms is regulated by the Explosives Control Law and possession and importation is regulated by the Firearms and Swords Control Law. Ammunition used for handguns, military rifles, machine guns and guns is also regulated by the Ordnance Manufacturing Law and importation of them by the Customs Law and the Customs Tariff Law.

❑ *Please outline the measures, both legislative and practical, preventing entities and individuals from recruiting, collecting funds or soliciting other forms of support for terrorist activities to be carried out inside or outside Japan, including, in particular:*

● *the carrying out, within or from Japan, of recruiting, collecting of funds and soliciting of other forms of support from other countries; and*

● *deceptive activities such as recruitment based on a representation to the recruit that the purpose of the recruitment is one (e.g. teaching) different from the true purpose and collection of funds through front organisations.*

24. The Subversive Activities Prevention Act and The Act Regarding the Control of Organizations Which Committed Indiscriminate Mass Murder (herein after "Organization Control Act") provide measures against the activities in the question. The purpose of these Acts is the securing of public safety in Japan, and these Acts are not directly applicable to terrorist groups and terrorists abroad. The Subversive Activities Prevention Act provides for actions to place restrictions on organizational activity (Article 5) and for the declaration of dissolution (Article 7), and the Organization Control Act provides for surveillance action (Article 5) and action for the prevention of recommitment (Article 8). The declaration of dissolution under the Subversive Activities Prevention Act and the action for prevention of recommitment under the Organization Control Act can be means to prevent the activities in question.

(1) The declaration of dissolution under Subversive Activities Prevention Act

The purpose of the declaration of dissolution is to destroy the organization in question. After this action shall become effective, any person who shall have been an officer, official or member of the organization shall be prohibited from performing any act in the interest of the organization. Furthermore, any such person shall not under any name whatever perform any act to evade the prohibition. Such acts as soliciting entry into the organization, raising money for the organization and being supported by another organization or individual in the interest of the said organization may fall under such prohibited conduct. Any person who contravenes this action shall be liable to imprisonment with hard labor for a term not exceeding three years or to a fine not exceeding fifty thousand yen.

This action shall be taken in cases where the organization has performed by the way of its activity any terrorist subversive activity and there is sufficient ground to find that there is clear danger of such organization undertaking in the future any terrorist subversive activity continuously or repeatedly and that any action taken under Article 5 will not be sufficient to effectively eliminate such danger.

It is difficult to meet these requirements. Therefore, the declaration of dissolution has never been taken (There is a case where the request for the declaration of dissolution was dismissed).

(2) The action for prevention of recommitment under Organization Control Act

The action for prevention restricts those activities of the organization that increase the danger that indiscriminate mass murder will be recommitted. After this action shall become effective, the following actions may be taken;

- Prohibition to force and solicit entry into the organization concerned or to interfere with the withdrawal from the organization concerned
- Prohibition of receipt of donation of money, articles or other property interests

Therefore, it is possible to prohibit the activities in question. Any person who contravenes this action shall be liable to imprisonment with labor for a term not exceeding two years or to a fine not exceeding one million yen.

These actions shall be taken in cases where the organization carried out indiscriminate mass murder by the way of its activity and exhibits an inclination to recommit indiscriminate mass murder, and where there is the need for preventing the increase of such tendency. The same action shall be taken with respect to an organization on which surveillance action (Article 5) has been taken when it is deemed difficult because a report has not been produced or when a false report is produced, or when entrance and inspection is rejected, interfered or challenged to grasp the degree of potential danger that the organization concerned may recommit indiscriminate mass murder.

- Sub-paragraph 2(b)

❑ *Please provide the CTC with information on the mechanism for inter-agency co-operation between the authorities responsible for narcotics control, financial tracking and security with particular regard to the border controls preventing the movement of terrorists.*

25. In January 1997, Japan established the Headquarters for the Promotion of Measures to Prevent Drug Abuse (headed by the Prime Minister), reviewed the drug counter-measures proposed by the relevant government bodies of Japan, and formulated the Five-Year Drug Abuse Prevention Strategy in May 1998. The Strategy is targeted at interdicting smuggling at the border; promoting international cooperation, including support for measures in illicit drug producing regions; and strengthening control not only over illicit trafficking and smuggling of ATS but also over users. Relevant government bodies of Japan are strengthening the cooperation and collaboration to implement the objectives of the Strategy.

26. Under the present system, financial institutions are required to report suspicious transactions which might relate to certain serious criminal offences. Accordingly, in accordance with UN Security Council resolution 1267 which noted that Taliban benefited from illicit opium, transactions suspected of their connections with Taliban-related entities are reported to the Japan Financial Intelligence Office (JAFIO) of the Financial Services Agency (FSA). The JAFIO receives and analyzes these reports, and disseminates the intelligence to the law enforcement authorities.

27. Japan established the Headquarters for the Promotion of Measures to Prevent International Organized Crime in July 2001. The Headquarters, headed by the Chief Secretary of the Cabinet, is comprised of 10 members from the Cabinet Secretariat and 7 relevant ministries and agencies (National Public Safety Commission (National Police Agency), Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Health, Labour and Welfare, Ministry of Economy, Trade and Industry and Ministry of Land, Infrastructure and Transport).In August 2001, the Strategy to Fight against International Organized Crime, including strengthening of counter-measures against illegal entry and illegal stay, was formulated by the Headquarters, and Japan has been strengthening cooperation among relevant government agencies

- Sub-paragraph 2 (c)

❑ *Please supply examples of relevant action taken, if any.*

28. Giving effect to Article 5 of the "Immigration Control and Refugee Recognition Act", immigration inspectors at the ports of entry in Japan are able to deny landing in Japan to individuals on the alert list, including terrorists.

- Sub-paragraph 2(d) and (e)

❑ *Has Japan made punishable in its domestic law all offences set force in the eleven relevant international conventions and protocols relating to terrorism?*

29. Japan made punishable in its domestic laws all offences set forth in the nine relevant international conventions on counter-terrorism. (Of eleven counter-terrorism conventions to which Japan is a party, two conventions, namely the Convention on Offences and Certain Other Acts Committed on Board, 1963 (so-called "Tokyo Convention") and the Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1991, do not provide specific offences to be punished. Japan has already made punishable all offences set forth in all the rest of these conventions.)

❑ *Are all the relevant provisions of Penal Code of Japan applicable in all of the following circumstances:*

- *acts committed outside Japan by a person who is a citizen of, or habitually resident in, Japan (whether that person is currently present in Japan or not);*
- *acts committed outside Japan by a foreign national who is currently in Japan?*

30. Certain serious offences such as murder, bodily injury, unlawful confinement, abduction, robbery or arson are punishable even when they are committed outside Japanese territory by Japanese nationals under Article 3 of the Penal Code.

31. Moreover, Article 4-2 of the Penal Code enables Japanese courts to try offenders who committed the offences covered by the Penal Code regardless of the nationality or the whereabouts of the offenders, or the venue of the offences, if the Japanese Government is bound by international treaties to punish these offenders.

❑ *Several international conventions related to the prevention and suppression of terrorism contemplate optional jurisdictions over the offences set forth therein when committed under certain circumstances (Art.8 (4), Convention on the Physical Protection of Nuclear Material, Art. 6 (2), Convention on the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, Art. 3 (2), Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, Art. 6 (2), International Convention for the Suppression of Terrorist Bombings). Has Japan chosen to establish its jurisdiction over those offences under those provisions?*

32. Japan has not chosen to establish its jurisdiction over those offences under these provisions.

❑ *Please specify the penalties for commission of terrorist acts.*

33. Any act which constitutes an offence within the scope of and as defined in eleven treaties (except for the International Convention for the Suppression of the Financing of Terrorism) is punishable by imprisonment. For instance, murder, arson or detonation of an explosive is punishable by death or imprisonment up to for life; the use of biological or chemical weapons or hijacking is punishable by imprisonment up to for life; and other forms of terrorist acts are punishable by imprisonment, generally up to ten to fifteen years.

34. As regards the provision or the collection of funds, which the International Convention for the Suppression of the Financing of Terrorism requires its State Parties to criminalize, the

Diet is currently discussing a bill making it a crime to provide or collect funds for the purpose of terrorism, punishable by imprisonment for not more than ten years or a fine of not more than ten million yen.

Sub-paragraph 2(f):

❑ *What are the existing or proposed legislative measures, and which are the institutions responsible, for the implementation of sub-paragraph 2(f) of the Resolution?*

35. Japan provides assistance, referred to in sub-paragraph 2(f), in accordance with the Law for International Assistance in Investigation, the Law of Extradition, and the Law for Judicial Assistance to Foreign Courts.

36. The Law for International Assistance in Investigation prescribes the requirements and procedures under which Japan can execute requests from foreign countries for mutual legal assistance on criminal cases. The Law of Extradition prescribes the requirements and procedures of extradition of fugitives upon requests from foreign countries. The Law for Judicial Assistance to Foreign Courts prescribes the proceedings in which Japanese courts provide assistance regarding service of documents and taking evidence in connection with civil or criminal cases upon request from foreign courts.

37. The main institutions responsible for the implementation of sub-paragraph 2(f) are the Ministry of Foreign Affairs, the Ministry of Justice and the National Police Agency.

❑ *What is the legal timeframe within which a request for judicial assistance in criminal investigations or criminal proceedings relating to the financing or support of terrorist acts has to be met and how long would it actually take in practice to implement such a request?*

38. There is no legal timeframe within which such requests have to be met. The actual time taken in responding to such requests depends on the circumstances of each case and the kind of assistance requested. It should be noted that the responsible institutions make every effort to respond to each request at the earliest time possible.

● Sub-paragraph 3 (c)

❑ *Has Japan entered into bilateral agreements to prevent and suppress terrorist attacks and take action against perpetrators of such acts? If so, with which countries?*

39. Japan has a bilateral treaty on extradition with the United States.

❑ *Please provide a list of the bilateral treaties on extradition and mutual legal assistance to which Japan is party.*

40. Japan has a bilateral treaty on extradition with the United States. In addition, in Japan there are some laws that relate to international cooperation in criminal cases, including

(i) Law for International Assistance in Investigation;
(ii) Law of Extradition;
(iii) Law for Judicial Assistance to Foreign Court;
(iv) so-called Anti-Drug Special Law;
(v) so-called Anti-Organized Crime Law

41. The Law for International Assistance in Investigation prescribes the requirements and procedures under which Japan can execute requests from foreign countries for mutual legal assistance on criminal cases. According to that law, Japan can provide assistance in response to a request from a foreign country without a treaty if that country assures reciprocity.

42. The Law for Extradition prescribes the requirements and procedures of extradition of fugitives upon request from foreign countries. According to the extradition law, Japan can extradite the fugitive to the requesting State on the condition of reciprocity, despite non-existence of a treaty.

43. The Law for Judicial Assistance to Foreign Courts prescribes the proceedings in which Japanese courts provide assistance regarding service of documents and taking evidence in connection with civil or criminal cases upon request from foreign courts under the assurance of reciprocity. This law is different from the Law for International Assistance in Investigation mainly in two ways: firstly, the court is the authority which provides assistance, and secondly, assistance can be provided not only in criminal cases but also in civil cases (Article 1 of the law).

44. Japan enacted the Anti-Drug Special Law in 1991 when it ratified the 1988 UN Convention and implemented the 1990 FATF 40 recommendations. The Law contains several provisions on mutual legal assistance in drug cases. Specifically, an international cooperation mechanism to grant a request for confiscation or value-based confiscation related to drug proceeds is available in the Anti-Drug Special Law.

45. In addition, Japan enacted the Anti-Organized Crime Law in 1999, which, with respect to proceeds derived from non-drug offences, expanded the scope of the international cooperation mechanism related to confiscation (including value-based confiscation) and freezing system provided in the Anti-Drug Special Law.

❑ *Please provide the CTC with a copy of the Anti-Terrorism Special Measures Law passed by the Diet on 29 October 2001.*

46. See annexed document. (ANNEX 2)

● Sub-paragraph 3(d)

❑ *Please provide a progress report on the ratification of the International Convention for the Suppression of the Financing of Terrorism. Please also indicate how the relevant conventions and protocols to which Japan is already a party have been implemented domestically.*

47. On March 12 the Government submitted to the Diet, together with the Convention, draft legislation which is necessary for implementing the Convention and United Nations Security Council resolution 1373; the House of Representatives has already passed the legislation and, as of May 30, the Government is waiting for the House of Councilors to consider it. The Government of Japan obtained the approval of the Diet on May 17 with respect to the conclusion of the International Convention for the Suppression of the Financing of Terrorism. In case there is further progress on this matter, additional information will be provided in a timely manner.

48. Below are notes on how Japan is implementing the existing eleven conventions on counter-terrorism. Approval of the Diet was required with respect to the conclusion of each of those conventions, separately from legislative action for enactment of relevant domestic laws, if any.

[NOTE]
❍ List of conventions which needed to enact new special laws for implementation
- Convention on Offences and Certain Other Acts Committed on board Aircraft
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
*The new laws are currently under the consideration of the Diet for the implementation of the International Convention for the Suppression of the Financing of Terrorism.

❍ List of conventions which needed to amend any of existing laws for implementation
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents
- International Convention against the Taking of Hostages
- Convention on the Physical Protection of Nuclear Material
- International Convention for the Suppression of Terrorist Bombings

❍ List of conventions which can be implemented by applying existing laws and thus needed no legislative action
- Convention for the Suppression of Unlawful Seizure of Aircraft
- Protocol for the Suppression of Unlawful Acts at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf
- Convention on the Marking of Plastic Explosives for the Purpose of Detection

● Sub-paragraph 3(e)
❑ *Have the crimes set forth in the relevant international conventions been included as extraditable offences in the bilateral treaties to which Japan is party?*

49. Yes, the crimes set forth in the relevant international conventions on counter-terrorism are included as extraditable offences in the bilateral treaties on extradition with the United States.

● Sub-paragraph 3(f)
❑ *What is the legal for the investigations by the Refugee Inquirer and the Minister of Justice, and what specific provisions ensure that anyone involved in terrorist activities is not granted refugee status?*

50. The competence of the Refugee Inquirer to inquire about the facts is provided for in Article 61-2-3, Immigration Control and Refugee Recognition Act.

51. Should it become clear that an applicant for recognition of refugee status was involved in terrorist activities, the Minister of Justice shall deny her/his application under Article 2, (3)-2, Immigration Control and Refugee Recognition Act and Article 1 (f), Convention Relating

to the Status of Refugees. Moreover, if an alien residing in Japan who has been recognized as a refugee is involved in terrorist activities, the Minister of Justice shall withdraw the recognition of refugee status under Article 61-2-2, Immigration Control and Refugee Recognition Act.

52. When it is known that an alien had been involved in terrorist activities before she/he was recognized as a refugee, the recognition is cancelled as administrative disposition with defects.

(Immigration Control and Refugee Recognition Act)
(Definition)
Article 2. The terms used in this Immigration Control and Refugee Recognition Act and under the orders thereof shall be defined as follows:

(3)-2 Refugee: A refugee who falls within the provisions of Article 1 of the Convention Relating to the Status of Refugees (hereinafter referred to as"Refugee Convention") or the provisions of Article 1 of the Protocol Relating to the Status of Refugees;

(Withdrawal of Recognition of Refugee Status)
Article 61-2-2. The Minister of Justice shall withdraw the recognition of refugee status if the alien residing in Japan who has been recognized as a refugee comes under any one of the following items:

(1) Any one of the provisions under Article 1, C-(1) through (6) of the Refugee Convention;

(2) The alien has taken an action described in Article 1, F-(a) or (c) of the Refugee Convention after being recognized as a refugee.

2. The Minister of Justice shall notify the alien concerned in writing with reason(s) attached, when withdrawing the recognition of refugee status as described in the preceding paragraph and place a notice in the Official Gazette of the loss of validity of the alien's Certificate of Refugee Status and the Refugee Travel Document.

3. When an alien who has been issued the Certificate of Refugee Status or the Refugee Travel Document receives notice of withdrawal of the recognition of refugee status as described in the preceding paragraph, he must return such certificate or document to the Minister of Justice without delay.

(Inquiry of the Facts)
Article 61-2-3. The Minister of Justice may have a Refugee Inquirer inquire into the facts if there is a possibility that a proper recognition of refugee status cannot be made with only the data furnished as provided for in Article 61-2, Paragraph 1, or if it is deemed necessary in dealing with the recognition or withdrawal of refugee status.

2. The Refugee Inquirer may request the persons concerned to make an appearance, may ask questions, or request presentation of documents if necessary for the inquiry as described in the preceding paragraph.

3. The Minister of Justice or the Refugee Inquirer may make inquiries to public offices or to public or private organizations and request submission of reports on necessary facts.

● Sub-paragraph 3(g)

❑ *Does Japanese legislation ensure that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists?*

53. The interpretation has been established that offences related to terrorism as such are not deemed "political offences" provided for in Article 2, Law of Extradition, as ground for refusal.

● Paragraph 4

❑ *Has Japan addressed any of the concerns expressed in paragraph 4 of the Resolution?*

54. Japan is determined to strengthen cooperation with other countries in the global campaign to combat terrorism. To examine links between international terrorism and money laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, Japan is working closely with other countries in such international fora as the G8.

● Other matters

❑ *Could Japan please provide an organisational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.*

55. An organisational chart of the administrative machinery of the Ministries and Agencies that deal with counter-terrorism measures is annexed. (ANNEX 3)

56. After September 11, 2001, a series of inter-ministerial meetings were held under the auspices of the Cabinet Secretariat. The relevant Ministries and Agencies are in full cooperation to implement, in compliance with UNSCR 1373, counter-terrorism measures including measures to enhance immigration control, strengthen efforts to obtain terrorism-related information, strengthen safety systems and security measures at airports for the prevention of hijacking and other incidents, strengthen response to NBC terrorism, reinforce the security of important facilities in Japan, and enhance and thoroughly implement customs inspections systems.

57. Counter-terrorism measures have been implemented steadily on the basis of "seven specific measures" decided by a ministerial meeting concerning measures against terrorism convened on September 19, 2001, as well as on the basis of "emergency response measures" decided by a meeting of the Emergency Anti-Terrorism Headquarters convened on October 8, 2001 (Chief of the Headquarters: Prime Minister, Deputy-Chief of the Headquarters: Chief Cabinet Secretary, Members: the Ministers of 16 relevant ministries).

"Seven specific measures" are as follows:

(1) to take prompt measures necessary for dispatching the Self-Defence Force (SDF) for providing support, including medical services, transportation and supply, to the US forces and others in efforts related to the terrorist attacks, which have been recognized as a threat to international peace and security by the United Nations Security Council resolution 1368

(2) to take prompt measures necessary for further strengthening the protection of facilities and areas of the US forces and important facilities in Japan

(3) to dispatch swiftly SDF vessels to gather information
(4) to strengthen international co-operation, including information sharing, in areas such as immigration control
(5) to extend humanitarian, economic and other necessary assistance to surrounding and affected countries
(6) to provide assistance to displaced persons
(7) to take appropriate measures in response to the changing situation to avoid confusion in international and domestic economic systems

"Emergency response measures" are as follows:
(1) enhancing security measures in order to ensure the safety of the people in Japan
(2) ensuring the security of Japanese nationals overseas and providing evacuation assistance
(3) working to enact the Anti-Terrorism Special Measures Bill and other assistance legislation as soon as possible
(4) preparing for implementation of refugee assistance and humanitarian, economic and other assistance to affected countries
(5) taking measures to respond to United Nations Security Council resolutions on freezing the capital and assets of terrorists and making use of money laundering monitoring systems in order to cut off terrorist funding
(6) implementing the following measures in cooperation with relevant nations in order to ensure the stability of the economic system of Japan and the world from the threat of terrorism
(7) expeditiously and accurately providing necessary information to the people in Japan